Court of Appeals, State of Michigan

ORDER

Henry Black v DaimlerChrysler Services North America LLC

Docket No. 268350

LC No. 2004-058461-CL

Kathleen Jansen
Presiding Judge

Jessica R. Cooper

Pat M. Donofrio
Judges

This matter is before this Court on remand from the Supreme Court. *Black v DaimlerChrysler Services North America LLC*, ___ Mich ___; ___ NW2d ___ (2006). The Supreme Court directed us to clarify our April 18, 2006 order, stating:

Specifically, the Court of Appeals shall state whether it intended to vacate the Oakland Circuit Court's order denying defendant's motion to strike and to order the trial court to engage in an MRE 702 inquiry regarding plaintiffs' proposed expert testimony before issuing a new ruling on defendant's motion to strike.

Pursuant to this directive, we amend paragraph 4 of the April 18, 2006 order for purposes of clarification to read:

The application for leave to appeal is GRANTED in part and pursuant to MCR 7.205(D)(2) the Court orders that the January 27, 2006 order is VACATED to the extent it denies defendant's motion to strike plaintiff's expert witness. We REMAND this matter to the trial court, directing it to conduct a searching inquiry to determine the admissibility of the expert evidence pursuant to MRE 702, *Gilbert v DaimlerChrysler Corp*, 470 Mich 749, 779; 685 NW2d 391 (2004); *Clerc v Chippewa Co War Memorial Hospital*, 267 Mich App 597; 705 NW2d 703 (2005), and then reconsider defendant's motion to strike. The application for leave to appeal is otherwise DENIED for failure to persuade the Court of the need for immediate appellate review.

The motion for leave to file supplemental brief on remand is DENIED. The motion for leave to file late answer is GRANTED. The motion for leave to file reply to answer is GRANTED.

The April 18, 2006 order is otherwise left undisturbed. We retain no further jurisdiction.

Judge Cooper would deny the application for leave to appeal.

JUL 7 - 2006

Date

Chief Clerk